Sixth And Last Of A Series

F Post 7/3/67

Warren Report: Conspiracy Theory

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VI — THE CONSPIRACY

Lee Harvey Oswald: The lone, withdrawn child. . .The lone reader of Marxist thunder in hushed libraries. . .The lone rejecter of his homeland. . .The lone prodigal returned to friendless frustration. . .But, hunched in the depository window, still alone?

The Warren Commission never said: Lee Harvey Oswald, alone, murdered John F. Kennedy, period.

It actually said: "The commission has found no evidence that Oswald was involved with any person or group in a conspiracy. . .If there is any such evidence, it has been beyond the reach of all the investigative agencies and resources of the United States and has not come to the attention of the commission."

There the matter has not rested.

In New Orleans Dist. Atty. Jim Garrison has claimed to have found what the commission did not: conspiracy. On the bookshelves of the nation are volumes that claim the same; that Oswald was innocent, that he was a fall guy, that he was involved with Jack Ruby or Bernard Weissman or the FBI or Communists or Texas oil interests or racists.

A court of law will decide in New Orleans. But the other versions of conspiracy are not and quite possibly never will be before a judge and jury. But they are before the jury of public opinion. They will be for some time.

The Warren Commission, unfortunately, did not answer all the questions. Some, however, are probably unanswerable. But some are not questions at all. They are innuendoes—false scents that confuse the hunt for truth.

What other construction can one put, for instance, on Mark Lane's innuendo that there might have been a connection between Ruby and the right wing of Dallas?

The commission made an hour-by-hour probe of Ruby's actions from Nov. 21 to Nov. 24, 1963 to determine if he was involved in a plot.

"The commission found that Ruby's activities and associations were innocent," Lane writes in "Rush to Judgment". "An objective analysis of the record might yield a somewhat different evaluation of Ruby's conduct."

Lane mentions an instance on Nov. 21 when the commission had said Ruby "visited with a young lady who was job hunting in Dallas."

"Contrary to the commission's unassuming summation," says Lane ,"Ruby did not merely visit with a young lady who was job hunting. Commission Exhibit 2270, an FBI report of an interview with Connie Trammel, the young lady in question, divulges the fact that Ruby drove with her to the office of Lamar Hunt, the son of H. L. Hunt."

Lane drops the matter at that point. Ruby is left at the office of Lamar Hunt, whose Texas-rich father is a strong supporter of ultraright causes. The reader of "Rush to Judgment" is left to make what he may of this suggested link between Ruby and the Dallas right wing. For clarification, however, he might turn to a commission exhibit. Not 2270. Try 2291.

It also is a statement by Miss Trammel, now Mrs. Penny, to the FBI. In it she says she once had a long talk with Ruby when she and some classmates from the University of Texas visited his Dallas strip club. Ruby asked if she wanted to work for him. She didn't. But Ruby kept asking. The last time was Nov. 21, 1963.

During that phone conversation, Miss Trammel mentioned she was seeking a public relations job at a bowling alley she had read Lamar Hunt owned. She had an appointment to see him that very day. She said she didn't have a car. Ruby offered to drive her to the bank building where Hunt had his office, since he had business to transact at the bank.

"During the trip. . .to the bank, Ruby seemed impressed with the amount of money that Lamar Hunt had made," Miss Trammel told the FBI, "and had mentioned that he knew most of the prominent people in Dallas. . .but did not know Lamar Hunt."

Ruby left her at the ground floor elevator. He never did get to go up and meet Hunt. Miss Trammel didn't get the job. But the reader might get a clearer picture of the Ruby-Hunt "asso-

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ciation" from Commission Exhibit 2291 than from "Rush to Judgment."

Such handling of commission evidence by the critics happens too often to be mere oversight.

Consider the alleged meeting in Ruby's Carousel Club Nov. 14, 1963 between Ruby, J. D. Tippitt, the officer the commission said was shot by Oswald, and Bernard Weissman. Weissman was the young Easterner who had helped place an ad critical of Kennedy in the Dallas Morning News the day of the assassination.

Weissman had arrived in Dallas Nov. 4 to try and set up a new conservative party by infiltrating right-wing groups, one of which he said never accomplished more than "running around burning baskets from Yugoslavia."

Lane, himself, had told the commission about the meeting. He declined to reveal his source for the story because the source had not given him permission to do so.

"But," he wrote in his book, "if the commission had wanted his name, it need only have asked one of its witnesses, Thayer Waldo, a reputable journalist. Counsel, however, did not ask Waldo about the meeting."

Not in so many words. For how was counsel to know what Thayer Waldo knew since Lane had refused to tell the commission, much less counsel, about Waldo or any other source?

But at the end of Waldo's interrogation, which covered other matters, counsel did ask if he could add any information about anything else. Waldo said no, he couldn't.

If not with Waldo, the commission did inquire into the Carousel meeting with other witnesses. One was Larry Crafard, a carnival worker hired by Ruby to do odd jobs around the club. The commission volumes have a statement by Crafard in which he told the FBI he recognized a picture of Weissman as a man he had seen at the club "on a number of occasions."

Lane has this quote. He does not mention that Crafard also told the FBI he had a "very vague recollection" of having heard Ruby mention the name Weissman, that he believed Weissman was a Dallas detective whose first name may have been Johnny and that he "could have my recollection of a Mr. Weissman mixed up with some one else."

Lane does not mention that Crafard thought Weissman was a "white male American" 38 to 43 years of age. Bernard Weissman was a white, male American who was 25 in 1963 and who, if he had been at the Carousel "a number of occasions," had nonetheless been in Dallas only 10 days.

Lane reports that several witnesses said Ruby knew Tippitt. One that he cites was Dallas police Lt. George C. Arnett. What Arnett actually told the FBI was that he did not recall to what extent Ruby MAY have known police officer J. D. Tippitt but added that "he does not believe he was more friendly with Tippitt than the average officer."

Arnett, in other words, did not say positively whether Ruby did or did not know Tippitt.

Lane says Crafard and Andrew Armstrong, Ruby's bartender and handyman, both heard Ruby say he knew Tippitt when he learned the officer had been shot. Lane does not say that Armstrong also told the FBI: "From what I gather later on, Mrs. Grant (Ruby's sister) told me it was a different Tippitt that he knew. In other words, there was two officers that had the name of Tippitt.

Acually, there were three. And Ruby did know one of them. He said he knew a detective Gayle Tippitt who worked in special services. Lane's book has this. It mentions that Gayle Tippitt said his "contacts in recent years (with Ruby) have been infrequent."

That is taken from Committee Exhibit 1620 in which Gayle Tippitt also said that in the 1950s he 'became very well acquainted with Jack Ruby." Lane does not quote that part of Exhibit 1620.

Lane writes that the commission might also have interrogated Harold Richard Williams. Williams told Lane he had seen Ruby and an officer he identified as J. D. Tippitt in a patrol car when he was arrested in November 1963. Lane warns his readers that Williams' testimony "should be assessed with a degree of caution" since he was not a witness and under oath. He might also have notified his readers, but didn't, that Tippitt was stationed in the Oak Cliff section of Dallas all the way across town from where Williams said he was arrested.

Two witnesses said that on Nov. 14, the night of the meeting, Weissman was in their home trying to sell them carpeting until 9:30 or 10 p.m. Mrs. Tippitt said her husband was a homebody devoted to his family. Lane, nonetheless, says the commission should have asked her what Tippitt was doing the night of Nov. 14 and asked Weissman what he did after 10 p.m. that same evening.

Lane says the question to Weissman was "never even posed." It may not have been posed to his liking, but Weissman was asked by commission counsel: "Did you at any time while you were in Dallas ever have a meeting with or sit in the Carousel Club with officer Tippitt?"

"No," he answered. He said he had never been in Ruby's club and didn't know him.

Mrs. Tippitt was less exact. She said she had never heard her husband mention being in Ruby's club.

The point is not so much whether such a meeting could or not have taken place. The point here is that Lane, who presented the rumor to the commission, did not present all the evidence to his readers. For instance, neither Mrs. Tippitt's nor Weissman's denial and-or lack of knowledge of the meeting is presented in his book.

But what if, evidence to the contrary, such a meeting did take place? What was its purpose? Lane doesn't suggest one. Neither does any evidence in the Warren volumes.

Nor is there evidence in the volumes to indicate a conspiracy in New Orleans. The commission and the FBI investigated several of the people that have figured in Garrison's case. They found no conspiracy.

This is not to deny the possibility of one. It should be mentioned, however, that the indictment against Clay Shaw, a New Orleans businessman, says he conspired with Oswald to assassinate Kennedy. But it does NOT say the assassination was the one that took place Nov. 22, 1963 in Dallas. Nor does it say it wasn't. Garrison has said he doesn't want to get involved in "semantics" over wording.

It should be mentioned that the chief witness against Shaw so far is a man who first contacted Garrison two days AFTER the district attorney said the case was solved. The witness testified after being given "truth serum" and undergoing hypnosis.

It should be mentioned another witness reportedly said he was offered a bribe by the district attorney's office to give favorable testimony. The witness' lawyer said a lie detector test verified the bribe attempt.

Garrison has said he has evidence that Oswald was working for the Central Intelligence Agency. Others have said Oswald was working for the FBI after his return from the Soviet Union for a fee of $200 a month.

That rumor apparently came from a Houston reporter, Alonzo Hudkins. Hudkins has since told Charles Roberts of Newsweek that he believes J. Edgar Hoover's denials that Oswald was an FBI informant. But Epstein takes the commission to task for relying solely on the word of an agency investigating itself.

Why, he asks in "Inquest," didn't the commission on its own interrogate Hudkins and his reported source for the story, Dallas Deputy Sheriff Allan Sweatt? It is a legitimate question.

But it is also legitimate to ask how Epstein can state "no efforts were made by the commission or its staff to investigate the rumor itself." That simply isn't true.

The commission, itself, DID investigate in some detail reports of money orders Oswald reportedly had received while in Dallas. (It turned out to be baseless). The commisssion, itself, DID inquire why FBI agent James Hosty's name was in Oswald's address book. (Oswald told his wife to take it down after Hosty had visited her at Ruth Paine's where she was living). The commission DID investigate through the Internal Revenue Service Oswald's finances after his return from the Soviet Union. (His known and assumed outgo remarkably approximated his income down to the cash balance he had when arrested).

The commission did NOT take at face value the denials of the FBI. And Epstein did NOT mention the foregoing in claiming the commission "relied entirely on the FBI to disprove the rumor" of Oswald's FBI connection.

Another conspiracy rumor: Ruby entered the Dallas police headquarters to shoot Oswald not by accident but by design. In accord with some superplot, the assassin had to be assassinated. One incontestable fact of time, however, must be considered.

The exact time of Oswald's transfer depended on when police were done questioning him. At the time that was decided, Ruby was driving downtown to send a money order to one of his strippers. The time he handed the money order across the Western Union counter was punched by a time clock; 11:17 a. m. Oswald was shot at 11:21 a.m. It takes several minutes to walk from Western Union to the police basement where Oswald was slain.

A commuter catching a train would scarcely cut his corners so finely. Would a man engaged in a superplot do so? Particularly if he knew in some unexplained way his only chance would come at 11:21?

The superplot elsewhere was running a very tight schedule. When Oswald dashed in and out of his rooming house a half-hour after the assassination, Lane says a "rather mysterious" incident occurred. A Dallas police car stopped and honked twice and drove off, said Earlene Roberts, the housekeeper.

Dallas police said there was no patrol car in the vicinity at the time. Lane says the "investigation" consisted of nothing more than the statements of police regarding car and officer assignments. (One might ask who would know better than police the whereabouts of a police car).

Lane notes commission evidence that a patrolman had driven Car 207 to the depository "just after 12:45 p.m.", gave the keys to a sergeant and remained in the building several hours.

A log of the travels of Car 207 should, however, have this information which the report provides—and Lane does not.

1—Police Car 170, driven by acquaintances of hers, often honked outside the house, Mrs. Roberts said. When she saw the car was 207, she told the FBI she went back to looking at television.

2—Patrolman Jimmy Valentine had Car 207 that afternoon. He had been at headquarters when he heard of the assassination at about 12:45 p.m. He drove to the depository all the way across town through heavy traffic. This would put him at the building close to the moments Oswald dashed into the rooming house several miles away. Valentine turned the keys over to a sergeant.

This does not mean, Lane argues, that the car itself couldn't have been driven by some other officers. (Mrs. Roberts saw two in the car). But the men would have had to get the keys from the sergeant (who said he didn't release them until 3:30 p.m.), drive through heavy traffic around the depository to the rooming house in suburban Oak Cliff, honk twice and drive away again.

And for what purpose? Lane doesn't suggest one.

Lane also notes testimony of Deputy Sheriff Roger D. Craig. He said that 15 minutes after the assassination he saw a young man he later identified as Oswald run from near the depository and get into a light colored Rambler station wagon driven by a Negro. Later that afternoon Craig said he recognized Oswald in the office of homicide Capt. Will Fritz.

Craig said Oswald stood up and said: "That station wagon belongs to Mrs. Paine, don't try to tie her into this. Everybody will know who I am now."

The commission, as Lane notes, decided it "could not accept important elements of Craig's testimony." Lane does not note the reasons why.

One is an affidavit from Fritz. He recalled a man telling a story similar to Craig's. This, however, occurred in his outer office. Oswald was in his inner office.

"Had I brought this man into my inner office I feel sure I would have remembered it," Fritz said. He didn't remember Oswald jumping up and saying what Craig said he said. Neither did any one else there.

Furthermore, Mrs. Paine owned a two-tone Chevrolet station wagon, not a light colored Rambler.

Another conspiracy: Ruby was somehow involved in Castroite activity. At length Lane quotes the testimony of Nancy Ferrin Rich. She said in 1962 she and her late husband had met several times in Dallas with others including an Army colonel whose name she did not recall and some one named Dave C.—"I think it was Cole, but I couldn't be sure."

Mrs. Rich's husband had asked $25,000 to shuttle a boat carrying guns into Cuba and refugees out. Negotiations stalled.

"A knock comes on the door and who walks in but my little friend, Jack Ruby," said Mrs. Rich, who had been a bartender at the Carousel Club. "Ruby had a bulge in his pocket. He went into another room and returned minus the bulge," Mrs. Rich said. She assumed the bulge was payoff money, although she never saw nor heard that money had changed hands.

Negotiations improved. Then Mrs. Rich finally "grabbed my old man and cleared out," when she later thought she recognized a new participant as Vito Genovese's son. She based this on his resemblance to a photograph she had seen of the Mafia chieftain.

Commission counsel Leon Hubert then asked Mrs. Rich if Dave C., who she said had been a bartender at the Dallas University Club, could be one Dave Cherry. "That's it," she replied.

Lane wonders why this potentially corroborating witness was not called to testify. "The FBI summary of an interview with Cherry was in the commission's possession, but Cherry was not called as a witness."

Indeed, he was not. But the FBI "summary," which Lane does not quote, might explain why. In it Cherry denies knowing any colonel "who was supposed to have been running guns into Cuba." He did know Nancy Perrin Rich whom he said had been barred from the club and who he thought was "mentally deranged"

Also in the commission record is a statement by Dallas detective Paul Rayburn who knew Mrs. Rich and thought her "a psychopathic liar who got great delight out of telling wild tales."

And there is a report of an interview with attorney Cy Victerson who represented Mrs. Rich on a vagrancy charge. He said she told stories "so ridiculous that no one could possibly believe them."

Lane does not ask why Paul Rayburn or Cy Victerson were not called by the commission. He did not use their statements, either. After all, they did not discuss Ruby or gun-running. They only mentioned the one witness who said she saw it all happen.

Says Lane: "About so clandestine an operation as smuggling weapons to Cuba and evacuating exiles, however, one would expect to find corroboration only with the greatest difficulty, if at all." He indicates he found it in Robert McKeown. McKeown had been arrested in 1958 for conspiracy to smuggle guns to Cuban Prime Minister Fidel Castro.

McKeown told the FBI that in 1959 a man who identified himself as Rubenstein (Ruby's original name) had phoned him offering $15,000 to get Castro to release three of his prisoners. Three weeks later McKeown said a man asked him to write a letter of introduction to Castro because he had some Jeeps to sell Cuba. The deals never came to pass.

McKeown told the FBI he "feels strongly that this individual was in fact Jack Ruby . . ." Lane quotes this. He does not quote another part of the statement in which McKeown "remarked he is not certain that the above-described telephone caller from Dallas or the man who personally appeared . . . was identical with the Jack Ruby who killed Lee Harvey Oswald."

Lane takes a partial quote to show strong identification of Ruby by McKeown rather than a whole one which shows something less. He need not have. Ruby said he once was interested in a Jeep deal. He thought, though, the intermediary's name was Davis. His sister, Eva Grant, told the FBI she believed her brother had an option on eight war surplus Jeeps some time around 1960.

This could be corroboration of McKeown. But is it of Nancy Rich? And if one interprets it as such, where does it all tie Ruby into an assassination superplot? The surplus Jeeps in 1959, an unwelcomed meeting in 1962 add up to assassination in 1963?

Lane doesn't answer the question. He merely asks it.

Another conspiracy: Oswald, the admitted Marxist who wanted fair play for Cuba, was actually in the anti-Castro underground.

The source of this was Sylvia Odio, an anti-Castro Cuban. On Sept. 26 or 27, 1963 two Cubans or Mexicans called at her apartment in Dallas with a third person introduced as Leon Oswald, she said. The men told her they had recently come from New Orleans and were friends of her father, a prisoner of Castro.

The next day one of the men, who said his name was Leopoldo, phoned Mrs. Odio and said he wanted to introduce Oswald into the Cuban underground. Leopoldo said Oswald had been in the Marines, was an excellent shot and felt "the Cubans didn't have any guts . . because President Kennedy should have been assassinated after the Bay of Pigs and some Cubans should have done that. . . ."

After the assassination a stunned Mrs. Odio recognized pictures of Lee Harvey Oswald as the man who came to her home. So did her sister.

The commission maintained that Oswald could not have been in Dallas Sept. 26 or 27. He was in Mexico.

". . . The issue was never resolved," wrote Epstein. That is debatable.

Records show that Oswald crossed into Nuevo Laredo, Mexico between 6 a.m. and 7 p.m. Sept. 26. Two passengers on a Houston-Laredo bus said they saw Oswald on board shortly after they awoke at 6 a.m., Sept. 26.

The commission said there was strong evidence that Oswald had left Houston on a bus for Laredo at 2:35 a.m. that morning. It noted a bus had left New Orleans, where Oswald had been living, at 12:30 p.m. Sept. 25 arriving at Houston at 10:50 p.m. that evening. Oswald made a phone call to a woman in Houston that same evening. It can't be determined whether the call was local or not.

Epstein says the visit to Mrs. Odio occurred "the day before he (Oswald) left on his trip to Mexico." This disregards Mrs. Odio's testimony. She said the visit occurred Sept. 26—when Oswald had already crossed the border—or the 27th—when he had reached Mexico City and registered at a hotel. Were someone's dates wrong? Epstein doesn't even mention there is a conflict between him and the testimony.

He does not mention a commission statement from E.P. Hammett, a Houston bus ticket agent. Hammett told the FBI that in late September a man "strongly resembling" a photograph of Oswald asked him about bus travel to Laredo and Mexico City. Epstein does NOT mention the man eventually bought a ticket to Laredo. Epstein does NOT mention that it

was the only such ticket sold that night to Laredo or that it was the only one of its kind sold from Sept. 24 through Sept. 26.

If Oswald had been in Dallas on the 25th, he could have caught a bus from there to Alice, Tex., in time to be on the Houston-Laredo bus on which he was seen. But no tickets were sold by the bus line connecting Dallas and Alice for Laredo between Sept. 23 and 26.

He could, the commission concedes, possibly have driven New Orleans-Dallas-Alice route although the Warren report says it "would have been difficult." Tight scheduling again for the superplot.

Ultimately, the FBI located a Californian, Loran Eugene Hall, who said he had called on Mrs. Odio in Dallas in September with two other men. The two denied it. Hall later altered his story.

In its report, the commission stated that the FBI had not completed its investigation of Hall at the time the report went to press. Yet it concluded in the report that Oswald had not been at Mrs. Odio's that September.

"Is it too fastidious to insist that conclusions logically follow, not precede, an analysis of all evidence?" Lane asks. The point is well taken.

Despite the vast scope of the Warren investigation, the Odio matter has given the critics ammunition to charge the commission with haste, with lack of thoroughness.

Haste? Quite possibly, although the commission denies it. But thoroughness? Who was thorough in detailing the Odio investigation? The commission? Or Epstein?

The Hall evidence neither proves nor disproves the commission conclusion about Mrs. Odio. Epstein says the matter was never resolved. But, in effect, it was. As much as it ever can be. The commission was faced with a choice: the testimony of Mrs. Odio and her sister against the evidence they were mistaken. It chose the evidence.

Yet it was the commission that presented all the evidence pro and con about Mrs. Odio. The critics did not. It was the commission that presented all the evidence about Lamar Hunt and Ruby, about Nancy Perrin Rich, about Jeeps, about McKeown, about Oswald's finances. The critics did not.

One may interpret what the commission found, and the critics have, abundantly. But while, as of this date, there may be doubters, books and speculation, the critics have yet to produce that one essential of proof—evidence.